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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,689	02/11/2002	Harold J. Plourde JR.	A-7420	4414

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Brinks Hoffr Gilson & Lione
NBC Tower Suite-3600
455 N Cityfront Plaza Drive
Chicago, IL 60611

EXAMINER

VENT, JAMIE J

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/073,689	Applicant(s) PLOURDE ET AL.	
	Examiner Jamie Vent	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5,7-12,14,15,17-19,21,23-27,29-32,35-38 and 40-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5,7-12,14,15,17-19,21,23-27,29-32,35-38 and 40-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed January 5, 2006 have been fully considered but they are not persuasive.

On page 10 applicant argues that Young et al in view of Lemmons fails to disclose, teach or fairly suggest the following limitations: assigning a second color responsible to determine that the television presentation has a time scheduling conflict with another television presentation that is scheduled to be recorded" as disclosed in independent claim 41. Young et al discloses in Column 8 Lines 10-37 that the apparatus determines if a time scheduling conflict exists for recording and displays the conflict via the IPG through red hash marks. The warning system allows for proper recording of desired program through user or system control. Young et al fails to disclose that the color of the conflict is a changeable color option. Lemmons discloses in Figure 6 and 10 the option for the user to select color for desired function of the IPG to allow for a more efficient and personalized system as described in Column 9 lines 43+. Furthermore, Lemmons discloses that the user of a IPG having color coded options of recorded programs prevents programming difficulty that often occurs through recording multiple functions as described in Column 1 Lines 43+ and thereby improving the overall use and function of an IPG and meeting the limitation.

In response to applicant's argument on page 13 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the

claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Young et al discloses a television scheduling system through the use of an EPG. Lemmons discloses a scheduling system that allows user selectable option of cell colors of the EPG. The color option allows for the viewer to view programs and functions on the EPG much like the color options discussed in Young et al in Column 6 Lines 60+.

Although, all of applicants points are understood the examiner can not agree and therefore the rejection is maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 7-12, 14-15, 17-19, 21, 23-27, 29-32, 35-38, 40-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al (US 6832385) in view of Lemmons (US 6481011).

[claim 41]

In regard to Claim 41, Young et al discloses a method that is implemented via a digital home communication terminal for managing television presentation recording comprising:

- Determining if a television presentation corresponding to a television presentation listing is scheduled to be recorded (Figure 2 shows that television program 32 is being recorded as further described in Column 7 Lines 50-67);
- Assigning a first color to the television presentation listing of the television predestination is scheduled to be recorded (Column 7 Lines 50+ describes the color of the presentation listing);
- Determining whether the television presentation has a time scheduling conflict with another television presentation that is scheduled to be recorded (Column 8 Lines 10-37 describes the apparatus determining that a time scheduling conflict exists with another television presentation).
- Presenting the television presentation listing as part of an interactive program guide (IPG) wherein the IPG includes a main memory display area that contains the television presentation listing that is assigned the color and information corresponding to the availability of the television presentation listing for viewing during at least one time period, wherein the color is used as a background color for the television presentation listing (Figures 1-7 shows the television listing through the interactive program guides and furthermore provides the user information regarding the status of each cell through markings and color changes of cells and Column 7 Lines 60-61 describes that when a cell is selected for recording the cell background turns red); however fails to disclose
- Assigning a color to the television presentation listing of the television presentation is scheduled to be recorded wherein the color can be selected from a selectable option by a user and determining the color based on whether the

television presentation has a time scheduling conflict with another television presentation that is scheduled to be recorded.

Lemmons discloses a program guide system wherein the user selects the desired color of the background of the various options of the EPG. As seen in Figures 6 and 10 the user has the option to choose color of various aspects of the EPG including a specific color for an actor to a color based on the recording of a show as further described in Column 9 Lines 43+. By allowing the user to select the color options of the cell provides a more personal look to the programming guide, which will make it easier to use for the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the electronic program guide, as disclosed by Young et al, and further incorporate an EPG that allows the user to select the desired color of the cells, as disclosed by Lemmons.

[claim 23]

In regard to Claim 23, Young et al discloses a method and system for managing television presentation recordings as described in independent Claim 41 with the additional limitations comprising:

- Presentation logic for presenting the television presentation listing having the color that indicates that the television presentation has the time scheduling conflict and is scheduled to be recorded, the television presentation listing being presented as part of a requested interactive program guide (IPG) wherein the IPG includes a main program display area that contains television presentation listing that is assigned the color and information corresponding to the availability of the television presentation listing for viewing during at least one time period (Column 7 Lines 40-67 and Column 15 Lines 30-67 describes the use of various colors that allow the user to view the IPG in a manner to easily access the information that is presented and selected).

[claims 3, 4, 24, 25, & 26]

In regard to Claims 3, 4, 24, 25, and 26, Young et al discloses a method and system wherein the color, based on a color scheme, is used as a background/foreground color for the television presentation listing (Column 15 Lines 30-67 through Column 16 Lines 1-14 describes the highlighting of the viewer selection from the program guide thereby meeting the limitation of the background color. Furthermore, the foreground color limitation is met by the changing of the border of the selected program is selected/changed as further seen in Figures 1-7).

[claims 5 & 27]

In regard to Claims 5 and 27, Young et al discloses a method and system wherein the color is determined based on whether the television presentation is scheduled to be recorded by a user (Column 7 Lines 60-65 describes how the color is based on the action provided by the user (for example if a conflict occurs with the scheduled program that is to be recorded the mis-recording will be indicated by red hash marks and if the recording was successful than the cell will be highlighted red).

[claims 7, 8, 10, 29, 30, & 31]

In regard to Claims 7, 8, 10, 29, and 31, Young et al discloses a method and system wherein it is determined based on a television presentation storage capacity that is expected to be available and the data storage conflict is resolved in response to receiving input from a user while the user is being presented with the television listing (Figure 12 shows a warning to the user wherein the amount of data storage is remaining on the storage medium and furthermore is warned via the IPG through a red has mark as seen in Figures 2 and 3 and described in Column 7 Lines 62-64).

[claims 9, 11 & 32]

Art Unit: 2621

In regard to Claims 9, 11, and 32, Young et al discloses a method and system for scheduling of the recording of the television presentation is edited in response to receiving input from a user while the user is being presented with the television listing (Figure 5 shows the display shown to the user which allows for the television presentation to be altered depending on user input as described in Column 3 Lines 40-46).

[claim 12]

In regard to Claim 12, Young et al discloses a method and system wherein the scheduling of the recording of the television presentation is cancelled in response to receiving input from a user while the user is being presented with the television listing wherein the user input corresponds to the activation of one of a record button, a stop button, and a select button (Column 16 Lines 15-67 describes the cancellation of a television presentation by input from the user through the activation of the select key).

[claim 14]

In regard to Claim 14, Young et al discloses a method and system wherein the television presentation listing is highlighted at the time that the input is received (Figure 1 shows the highlighting of listing throughout the television presentation listing).

[claims 15 & 35]

In regard to Claims 15 and 35, Young et al discloses a method and system wherein the scheduling of the recording of the television presentation was implemented in response to receiving input from a user while the user being presented with the television listing wherein the user input corresponds to the activation of one of a record button and a select button (Column 16 Lines 15-67 describes the record selection function that is present which allows for program to be recorded from the received input from the user as further seen in Figures 1-7).

[claims 17, 36, & 37]

In regard to Claims 17, 36, and 37, Young et al discloses a method and system wherein the user input corresponds to the activation of a record button, stop button, and a select button and thereby the television presentation listing is highlighted by the user input (Column 16 Lines 15-67 describes the use of the various buttons to select options on the program guide that highlights the user choice on the IPG).

[claims 18, 19, & 38]

In regard to Claims 18, 19, and 38 Young et al discloses a method and system wherein the television listing is presented via a television as part of a list of recorded television presentations and scheduled program recordings and interactive program guide (IPG) (Figure 1 shows a picture of the interactive program guide which allows viewer interaction with all capabilities of a program guide, as described in Column 6 Lines 50+. Therefore, due to the interaction of the user to the system via the program guide meets the limitation of an interactive program guide).

[claims 21 & 40]

In regard to Claims 21 and 40, Young et al discloses a method and system wherein the television listing is implemented via a digital home communication terminal (DHCT) ((Figure 22 shows the components that comprise a digital home communications terminal).

[claims 42 & 46]

In regard to Claims 42 and 46 Young et al discloses a method presenting an IPG color selection screen for selecting colors for designating characteristics of the television presentation listing (Column 15 Lines 40-50 describe that the user can set the desired colors for the presentation listings).

[claims 43 & 47]

In regard to Claims 43 and 47, Young et al disclose for presenting an IPG color priority selection screen for selecting priorities for IPG listing colors (Column 15 Lines 30-67 describes the selection based on priority selection based on desired television broadcasts).

[claims 44 & 48]

In regard to Claims 44 and 48, Young et al discloses a method that presents a color scheme selection screen for supplying color scheme information that determines the color of various IPG recording listings (Column 15 Lines 30-67 describes the selection of colors and color schemes of various recording listings).

[claims 45 & 49]

In regard to Claims 45 and 49, Young et al discloses a method presenting a recording listing screen that provides information about scheduled recording, the information including one of recording time conflict and storage capacity conflict (Figures 1-7 shows various recording listing and thereby showing recording conflict and storage conflict by various color and highlighting).

[claim 50]

In regard to Claim 50, the recited limitations are discussed above in Claim 41.

[claims 51,52,53,54,55,&56]

In regard to Claims 51, 52, 53, 54, 55, and 56, Young et al discloses a method for managing television programs; however fails to disclose the following limitations:

- Assigning a color is accomplished by a subscriber/system operator;
- Presenting the selectable option comprises presenting an IPG color selection screen for selecting colors for designating characteristics of television presentation listing;
- Presenting selectable options comprises presenting an IPG color priority screen for selecting priorities for IPG listing colors; and

- Presenting the selectable options comprises presenting a color scheme selection screen for supplying color scheme information that determines the color of various IPG recording listings.

Lemmons discloses a program guide with user designated color-coding as seen in Figure 2.

The IPG color selection screen as seen in Figure 6 allows the user to view colors and the appropriate cell or function that should be associated with the selected color. The use of the IPG allows for clear viewing of the program as well as allowing the viewer to see priority among the programs as seen in Figure 10 color selection menu and described in Column 8 Lines 35+.

The selection of colors within the EPG allow for the user to easily view the selected programs as well as personalize the EPG to allow fit the user's preference. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of managing television programs, as disclosed by Young et al, and further incorporate a system that allows the user to assign cell colors for the EPG, as disclosed by Lemmons.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2621

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jamie Vent
03/29/2006


THAI TRAN
PRIMARY EXAMINER